

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PRODUCTION CREDIT
ASSOCIATION OF SOUTHERN NEW
MEXICO, a wholly owned Subsidiary
of FARM CREDIT OF NEW MEXICO,
ACA,

Plaintiff,

v.

Case No. 2:12-cv-1102 MV/GBW

DAIRY FARMERS OF AMERICA,
INC., et al.,

Defendants,

DAIRY FARMERS OF AMERICA,
INC.,

Third-Party Plaintiff,

v.

SLOPING HILLS, LLC, CARTER'S
MILK FACTORY, INC., ALVA C.
CARTER, JR. and ALAN CARTER,

Third-Party Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**


THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), entered on March 5, 2015. *Doc. 109*. No party has filed objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition, *doc. 109*, is ADOPTED. Dairy Farmers'

Motion for Default Judgment (*doc. 17*) against Carter's Milk Factory, Inc., and Sloping Hills, LLC, is GRANTED and it is awarded damages in the amount of \$446,093.59.

Dairy Farmers' Motion for Summary Judgment (*doc. 91*) against Alan Carter and Alva Carter is GRANTED and it is awarded damages in the amount of \$446,093.59. Dairy Farmers' Motion for Summary Judgment as to Carter's Milk Factory, Inc. and Sloping Hills, LLC is DENIED as moot. Finally, the obligation to pay Dairy Farmers \$446,093.59 is ORDERED to be joint and several between Carter's Milk Factory, Inc., Sloping Hills, LLC, Alan Carter, and Alva Carter, such that Dairy Farmers may recover in full only once.

IT IS FURTHER ORDERED that, if Dairy Farmers wishes to obtain a judgment for attorneys' fees and costs pursuant to its Motion for Summary Judgment (*doc. 91*) against Alan Carter and Alva Carter, it must submit, within seven days of the entry of this Order, affidavits outlining their fees and costs. Objections by Alan Carter and/or Alva Carter to the amount claimed by Dairy Farmers, if any, shall be filed within seven days of the filing of the affidavits.


UNITED STATES DISTRICT JUDGE